

HCS HB 864 -- LIMITED LIABILITY COMPANIES

SPONSOR: Solon

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Local Government by a vote of 8 to 1. Voted "Do Pass with HCS" by the Select Committee on State and Local Governments by a vote of 7 to 0.

This bill authorizes counties, cities other than Kansas City, towns, and villages to enact an ordinance requiring limited liability companies that own or rent real property or own unoccupied property within the county, city, town, or village to file an affidavit with the clerk of the governing entity specifying the name and street address of a natural person with management control or responsibility for the real property. Currently, only Kansas City requires the affidavit.

The limited liability company must file a successor affidavit within 30 days of a change in the natural person with management control or responsibility for the real property.

If a limited liability company fails or refuses to file the affidavit, any person adversely affected by the failure or refusal may petition the circuit court in the county where the property is located to direct the completion and filing of the affidavit.

PROPONENTS: Supporters say that this process has worked very well for Kansas City so they would like to see it expanded to municipalities and counties.

Testifying for the bill were Representative Solon; John A. Wood, City of Kansas City, Missouri Neighborhoods and Housing Service Department; Mayors Office, City of St. Louis; and Missouri Municipal League.

OPPONENTS: Those who oppose the bill say that if it were amended to clarify that an LLC cannot be charged a fee for filing the affidavit and the award of attorney fees were discretionary rather than mandatory, their concerns would be alleviated.

Testifying against the bill was Missouri Association of Realtors.